IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3852 OF 2007

IN

REVIEW PETITION (L) NO.40 OF 2007

AND

REVIEW PETITION (L) NO.40 OF 2007

IN

APPEAL NO.1029 OF 2000

IN

SUMMARY SUIT NO.4191 OF 1998

...

Tuticorin Textiles Pvt.Ltd. ...Petitioner

v/s.

Kotak & Company Pvt.Ltd. ...Respondent

...

Mr.Amit Pai with Mr.P.M.Pai for the Review Petitioner.

Mr.U.M. Mahajan i/b Divekar & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 18TH OCTOBER, 2007

P.C.:

1. By this petition review is sought of the order passed in Appeal dated 9th August, 2007. That order shows that the order was passed by consent of parties. In the review petition it is stated that the Appellant has not authorised the advocate to give consent for making that order. But there is no averment made that any notice was given to the advocate who had given consent on behalf of the Appellant inquiring from him as to why without authority he had given the consent.

2. In our opinion, it cannot be believed that without the instructions from his client the advocate has given the consent. The Review Petition is disposed of.

3. In view of the order passed in the Review Petition, motion does not survive for consideration.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)